

REMARKS

In the February 9, 2005 Office Action, the Examiner noted that claims 28-60 were pending in the application; rejected claims 28-30, 37, 39-45 and 58-60 under 35 USC § 102(a); and rejected claims 31-36, 38 and 46-57 under 35 USC § 103(a). In rejecting the claims, German Patent No. 19548387C1 to Pfaff and U.S. Patent 5,651,006 to Fujino et al. (respectively References N and A in the February 27, 2004 Office Action) were cited. Claims 28-60 remain in the case. The Examiner's rejections are traversed below.

February 2, 2005 Office Action

Claims 28-30, 37, 39-45 and 58-60 were rejected under 35 USC § 102(a) as anticipated by German Patent No. 19548387C1 to Pfaff; and claims 31-36, 38 and 46-57 were rejected under 35 USC § 103(a) as unpatentable over Pfaff and Fujino et al. It will be assumed that the citations to Pfaff are to the English translation, since pages, not columns were cited. However, it is noted that the English translation provided to the undersigned did not include a translation of all of the drawings. Therefore, a translation of text in Figs. 1 and 2 is submitted herewith as Exhibit A.

The same claims were rejected over the same prior art reference(s) as in the February 27, 2004 Office Action. However, the text of the February 9, 2005 Office Action differed by containing unquoted language from the claims as amended in the August 27, 2004 Amendment; a "Response to Arguments" in item 3 on page 3 of the Office Action; and citation to additional portions of Pfaff as disclosing the invention. First, the common failing of both Office Actions will be addressed and then the failure of the new portions of Pfaff to teach or suggest the claimed invention will be discussed.

Pfaff discloses a method for cryptographically securing a computer based digital communication between a program and at least one user entity, where a message is encoded with a transport protocol. The encoded message is decoded using a transport protocol and the decoded message is subjected to a cryptographic method. Finally, the cryptographically encoded message is encoded with a transport protocol. Since it subjects a decoded message to cryptographic process(es), Pfaff requires that a proxy agent be configured with a number of different network protocols or data formats, so that the proxy agent knows the associated encoding format and can decode the encoded message. As a result, implementation of the method taught by Pfaff in an existing system requires reconfiguring all of the proxy agents in the system to enable them to handle all of the network protocols and data formats used by the system.

The present invention avoids the drawbacks of Pfaff described in the preceding paragraph by "subjecting ... [an] encoded message to at least one cryptographic process in a proxy agent application executing on ... [a] computer to form a cryptographically processed message" (claim 28, lines 5-6, emphasis added). As a result, the present invention can be used with any network protocol without reconfiguring any proxy agent. The encoding of the cryptographically processed message can be performed using an existing network protocol of the proxy agent (see claim 28, last 2 lines). The present invention has an additional benefit of being faster than the method taught by Pfaff, because the decoding step is not performed.

In the final sentence of the first paragraph on page 3 of the Office Action, it was acknowledged that in "Pfaff, the steps of cryptographically processing the message and encoding the message are in reverse order" (Office Action, page 3, lines 6-8). However, it was asserted that "this would not impact the resultant message and hence cryptographically processing the message and encoding can follow in any order because the same cryptographically encrypted message would still be the resultant" (Office Action, page 3, lines 8-10). If the claims were directed to an encrypted and encoded message, then this statement might have some relevance. However, claims 28-30 are directed to methods of encoding and/or decoding messages, while claims 29-41 are directed to apparatuses that perform operations similar to those recited in claims 28-30, respectively and claims 58-60 are directed to communication systems that perform operations similar to those recited in claims 39-41. It is submitted that by performing operations in a different order, the claims are at least not anticipated by the teaching in Pfaff. Furthermore, by reciting that the operations are performed in different components of a computing system, a rejection for obviousness requires some suggestion in Pfaff or some other prior art reference that would make it obvious to one of ordinary skill in the art to modify where the operations are performed. No evidence of such obviousness has been cited and therefore, the rejections under both 35 USC §§ 102 and 103 must be withdrawn and the claims either allowed or a new Office Action issued citing additional evidence of obviousness.

The Response to Arguments in item 3 on page 2 of the Office Action responded to the arguments in the paragraph spanning pages 14 and 15 of the Office Action by asserting that the limitations previously recited on lines 5-6 of claim 28 and the last three lines of claim 29 were disclosed in the second and fourth paragraphs on page 12 and on page 13 of the English translation of Pfaff. The cited paragraphs on page 12 describe the operations in the German-language flow chart of Fig. 6 and the apparatus illustrated in Fig. 13 which contains only boxes without any textual legends. It is submitted that there is nothing in paragraphs 2 and 4 on page 12 of the Office Action or any paragraph on page 13 that contradicts the description of the order

in which operations are performed that was provided in the August 27, 2004 Amendment. As acknowledged in the last sentence of the first paragraph on page 3 of the Office Action, Pfaff does not disclose "subjecting the encoded message to at least one cryptographic process ... to form a cryptographically processed message" (claim 28, lines 5-6) where the encoded message was created "via employment of an encoding format of a network protocol" (claim 28, line 4). Rather, Pfaff discloses applying network protocol coding to a message that has been cryptographically processed.

The benefits of performing the operations in the order recited in the independent claims was set forth in the third paragraph on page 14 of the August 27, 2004 Amendment. The February 9, 2005 Office Action failed to explain why the differences and the benefit resulting from these differences do not make the claims patentably distinct from Pfaff. Therefore, the arguments in the August 27, 2004 Amendment remain unrebutted and the claims should be allowed.

As noted above, the rejections of the independent claims in the February 9, 2005 Office Action include citations to the second and third paragraphs on page 1 and Figs. 3 and 5 of Pfaff, none of which were cited in the February 27, 2004 Office Action. For example, the last two sentences on page 3 of the Office Action asserted that Fig. 5 discloses "[t]he proxy" and "[t]he application" as recited in the claims. Presumably, the Examiner was citing "application ANW" in Fig. 3 and the "Proxy security server SC1, SC2" in Fig. 5. Since page 1 of the English translation of Pfaff contains little more than a translation of the title, it is assumed that page 2 of the English translation was being cited.

Nothing has been found anywhere on page 2 of the English translation or in Fig. 3 of Pfaff suggesting that either the "Application Sharing Component" or application ANW generates "an encoded message" that is then subjected to a cryptographic process as recited in claim 28, or decodes an "inversely cryptographically processed message ... according to the encoding format of the network protocol used in said decoding of the cryptographically processed message" as recited in last three lines of claim 29.

More importantly, by its very name the "Proxy security **server**" (emphasis added) in Fig. 5 of Pfaff is not "a proxy agent application executing on the computer" (claim 28, lines 5-6) on which "a first application [is] executing" (claim 28, line 3) that is used "to form an encoded message" (claim 28, lines 3-4) which is subjected "to at least one cryptographic process in ... [the] process agent application" (claim 28, lines 5-6) or "a proxy agent application executing on the computer, which previously encoded an original digital message" (claim 29, lines 8-9). Rather, the proxy security server illustrated in Fig. 5 is a separate server computer that is not

executing an application as recited in the claims. Therefore, it is submitted that claims 28 and 29 patentably distinguish over Pfaff for the above reasons.

Claim 30 as previously presented recited that the first application and first proxy agent are both "in the first computer unit (claim 30, lines 4 and 6) and "the cryptographically processed message ... [is encoded] in the first computer unit" (claim 30, line 8), while the resulting "encoded, cryptographically processed message ... [is decoded] in the second computer unit" (claim 30, lines 10-11) in which the second proxy agent and second application are located (see claim 30, lines 16-17 and 19-20). The "Proxy security server" illustrated in Fig. 5 does not qualify as either the first or second proxy agent recited in claim 30, because neither the first nor the second application are located on the proxy security server. The system illustrated in Fig. 5 of Pfaff is a completely different environment than that to which the present invention is directed. Servers like the proxy security server illustrated in Fig. 5 are commonly used to provide an additional layer of security between networks like Corporate Network CN and the Internet IN of Fig. 5, while the first and second proxy agents recited in claim 30 provide cryptographic processing in individual computer units prior and subsequent to transmission over a network. This is not what is disclosed in Pfaff, particularly in Fig. 5. Therefore, it is submitted that claim 30 and claim 37 which depends therefrom patentably distinguish over Pfaff for the reasons discussed above.

As noted above, claims 29-41 recite apparatuses and claims 58-60 recite communication systems in which operations similar to those recited in claims 28-30, respectively, are performed. Specifically, claims 39 and 40 each recite an apparatus which includes a proxy agent and an application which perform operations similar to those recited in claims 28 and 29, respectively, while claim 41 recites first and second computer units including means for performing functions corresponding to the operations recited in claim 30. Therefore, it is submitted that claims 39-41 and claims 42-45 which depend therefrom patentably distinguish over Pfaff for reasons similar to those discussed above with respect to claims 28-30.

While claims 58-60 are directed to a communication system, claims 58 and 59 each recite a single apparatus included in the system which comprises means for performing functions like those recited in claims 39 and 40, while claim 60 recites that an apparatus includes first and second computer units like those recited in claim 41. Therefore, it is submitted that claims 58-60 patentably distinguish over Pfaff for reasons similar to those discussed above with respect to claims 28-30.

On pages 9-19 of the Office Action, claims 31-36, 38, and 46-57 were rejected under 35 USC § 103(a) as unpatentable over Pfaff in view of Fujino et al. However, nothing was cited in

Fujino et al. suggesting modification Pfaff to meet the limitations recited in the independent claims as discussed above. Therefore, it is submitted that claims 31-36, 38 and 46-57 patentably distinguish over the applied art for the reasons discussed above with respect to the independent claims from which they depend.

May 27, 2005 Advisory Action

In the paragraph spanning pages 3 and 4 of the Advisory Action was a response to the argument that Pfaff does not anticipate any of the claims, because it performs operations in a different order. On the last line of page 3, it is asserted that "Pfaff has relevance towards the claims." This statement is irrelevant. The point of Applicants' argument is that Pfaff does not anticipate the claimed invention. Nothing in the paragraph spanning pages 3 and 4 of the Advisory Action rebuts that argument.

The paragraph spanning pages 4-6 of the Advisory Action addresses the failure of the Response to Arguments section of the February 9, 2005 Office Action to address the arguments in the August 27, 2004 Amendment. The new Examiner has cited where the translation of Pfaff supports the rejection. It is submitted that this support should have been cited in the February 9, 2005 Office Action and that because it was not, the finality of the February 9, 2005 Office Action should be withdrawn and the \$790 fee for filing the Request for Reconsideration should be refunded.

The statement at page 5, lines 12-16 of the Advisory Action that "the same message that was encoded is having the cryptographic process applied to it" is not application of the "broadest, reasonable interpretation", but rather an unreasonable misinterpretation of the claims. The invention and Pfaff are directed to cryptographic processes. Whether a message is encrypted or not is of paramount importance in such processes; otherwise, the receiver ends up with an unintelligible message. As a result, it is submitted that interpreting "subjecting the encoded message to at least one cryptographic process" (claim 28, line 5) as being equivalent to an encoding process applied to a decoded message is not a reasonable interpretation.

In the first paragraph on page 6 of the Advisory Action, the new Examiner indicated an inability to "see ... [a] disclosure on page 3 of either one of the previous office actions" (page 6, lines 6-7). This paragraph is not understood. No Office Action provides a disclosure, only prior art does. The Examiner should not have any beliefs regarding how "Pfaff reads on this [or any other] limitation" (Advisory Action, page 6, lines 8-9). The question is whether the claims read on Pfaff, not the other way around and whether Pfaff discloses the invention, not what an Office Action discloses. Neither the former Examiner, nor the current Examiner has properly rebutted

the arguments set forth above. Therefore, withdrawal of the rejection and allowance of the claims or citation of a different reference that unlike Pfaff makes the claims obvious, are respectfully requested.

In the paragraph spanning pages 6 and 7 of the Advisory Action, the new Examiner attempted to overcome the failure of the previous Examiner's failure to respond to the arguments in the third paragraph on page 14 of the August 27, 2004 Amendment. First, it is submitted that these statements are untimely. The failure to respond to the arguments in the February 9, 2005 Office Action is another reason that the finality of the February 9, 2005 Office Action should be withdrawn and the RCE fee should be refunded. Second, the conjecture that a benefit might be gained by incurring the cost of modifying all of the proxy agents as required by Pfaff does not eliminate the benefit of not requiring such costs in the first place. It might be more efficient to adopt a totally different operating system, but it is pure conjecture whether the benefit of either costlier solutions would outweigh their cost.

In the first full paragraph on page 7 of the Advisory Action, the new Examiner asserted that the February 9, 2005 Office Action did not cite page 1 in rejecting claim 29. First it is noted that the paragraph referring to the citation of page 1 of Pfaff referred to "the rejections of the independent claims" (May 9, 2005 Amendment, page 14, line 26), not just to claim 29. The new Examiner's attention is directed to page 3, line 6 of the February 9, 2005 Office Action which includes the phrase "page1, second and third paragraphs and on Fig. 5 of Pffaf."

With respect to the conjectures regarding the Proxy security server shown in Fig. 5 of Pfaff in the second and third full paragraphs on page 7 of the Advisory Action, the Examiner is respectfully requested to cite evidence in the prior art that a server can be a "proxy agent" if Pfaff continues to be used in rejecting the claims. Furthermore, claim 30 was rejected as anticipated by Pfaff. It is submitted that to maintain this rejection, the new Examiner will have to show how Pfaff discloses each limitation recited in claim 30, including both "a first proxy agent in the first computer unit" (claim 30, line 6) and "a second proxy agent in the second computer unit" (claim 30, lines 16-17), not just a single proxy security server as taught by Pfaff.

Summary

For the reasons set forth above, it is submitted that the cited prior art does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 28-60 are in a condition suitable for allowance. Entry of this Amendment, reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

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If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Legend for figure 1: paragraph

101	motion vector field	48
102	predetermined area or weighting mask	48
103	calculation of parameters (step 103)	48
104	iteration (step 104)	51
105	parameters of motion model	48
106	weighting mask of reliability factors	48

Legend for figure 2: paragraph

201	camera	26
202	first computer	26
203	first processor	26
204	recorded image	26
205	image memory	26
206	coded image data	26
207	communication link	26
208	second computer	26
209	second processor	26
210	bus	26
211	image memory	26
212	screen	27
213	screen	27
214	keyboard	27
215	keyboard	27
216	computer mouse	27
217	computer mouse	27
218	bus	26
219	line	26
220	screen	29